

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Stone Oak Road, 1000' N
of Klausmier Road
(9514 Stone Oak Road)
11th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-158-A

Gregg L. Kroeger, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Gregg L. and Joyce M. Kroeger. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 5 feet and to amend the Final Development Plan for Oakhurst, Plat 6, Section 2 thereof, for a proposed garage in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of January, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 5 feet and to amend the Final Development Plan for Oakhurst, Plat 6, Section 2 thereof, for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The use of the subject garage is limited to the Petitioner's personal use and hobby of restoring antique sports cars. There shall be no commercial use of the subject garage. There shall be no automotive service repairs performed inside the garage.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 4, 1993

Mr. & Mrs. Gregg L. Kroeger
9514 Stone Oak Road
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Stone Oak Road, 1000' N of Klausmier Road
(9514 Stone Oak Road)
11th Election District - 5th Councilmanic District
Gregg L. Kroeger, et ux - Petitioners
Case No. 93-158-A

Dear Mr. & Mrs. Kroeger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

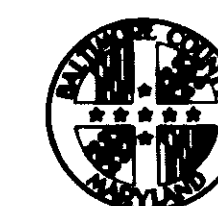
Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file



Petition for Administrative Variance 93-158-A to the Zoning Commissioner of Baltimore County

for the property located at 9514 Stone Oak Rd., 21236
which is presently zoned NA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow a side yard setback of 3 ft for the proposed garage in lieu of the required 5 ft. To amend the Final Development plan "Oakhurst" plat 6, Section 2.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

- I restore antique sports cars as my only hobby.
- I do this for peace of mind, not for profit.
- I have donated my last car to the Balto. Co. School System.
- I have included the donation letter with this petition.
- I require this variance to build a garage for my hobby.
- Please consider this request. Thank You.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expense of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lender: NA
(Type or Print Name)
Signature: *Gregg Lawrence Kroeger*
(Type or Print Name)
Address: *9514 Stone Oak Rd.*
City: *Baltimore* State: *MD* Zipcode: *21236*
Attorney for Petitioner: NA
(Type or Print Name)
Signature: *Joyce Marie Kroeger*
(Type or Print Name)
Address: *9514 Stone Oak Rd.*
City: *Baltimore* State: *MD* Zipcode: *21236*
Name: *Same As Above*
Address: *Same As Above*
Phone No: *597-6810 (w)*

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11-9-92 day of November, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: *Reg. I* DATE: 11-9-92
ESTIMATED POSTING DATE: 11-29-92

ITEM #: 164

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 9514 Stone Oak Rd.
Baltimore, Co., MD 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty.)

- I restore antique sports cars as my only hobby.
- I do this for peace of mind, not for profit.
- I have donated my last car to the Balto. Co. Schools.
- I have included the donation letter with this.
- I require this variance to build a garage for my hobby.
- Please consider this request. Thank You.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Gregg Lawrence Kroeger
Gregg Lawrence Kroeger
Joyce Marie Kroeger
Joyce Marie Kroeger

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, on 27 day of October, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

OCT 30 1992

My Commission Expires: 3-1-95

THE DESCRIPTION - 3 copies required

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 9514 Stone Oak Rd.

Beginning at a point on the west side of Stone Oak Rd. which is 50 feet wide at the distance of 1000 feet north of the centerline of the nearest improved intersecting street Klausmier which is 50 feet wide. *Being Lot #1102, Section #12 in the subdivision of Oakhurst as recorded in Baltimore County Plat Book #152, Folio #186, containing 7,470 square feet. Also known as 9514 Stone Oak and located in the 1111 Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 11/29/92
Posted for: Administrative Variance
Petitioner: Gregg L. & Joyce M. Kroeger
Location of property: 9514 Stone Oak Rd., 21236
Location of Sign: Posting on sign, as per property of Petitioner
Remarks: NA
Posted by: NA Date of return: 12/4/92
Number of Signs: 1

11/09/92
PUBLIC HEARING FEES: \$0.00
ZONING VARIANCE (FRL): 1 X \$50.00
POSTING SIGNS - ADVERTISING: 1 X \$35.00
TOTAL: \$85.00
LAST NAME OF OWNER: KROEGER

0408480070MICHC
\$85.00
Please Make Check Payable To Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

December 2, 1992

(410) 887-3353

Mr. and Mrs. Gregg Lawrence Kroeger
9514 Stone Oak Road
Baltimore, MD 21236

RE: Case No. 93-158-A, Item No. 164
Petitioner: Gregg Lawrence Kroeger, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Kroeger:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
9th day of November 1992.

Carl Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gregg Lawrence Kroeger, et ux
Petitioner's Attorney:

Development Review Committee Response Form				11/30/92
Authorized signature <i>David N. Ramsey</i>				Date
Project Name	Waiver Number	Zoning Issue	Meeting Date	
✓ Gregg and Joyce Kroeger			11-23-92	NC
DED DEPRM RP STP TE				
Baltimore Bar-B Que Management Inc.	165			Comment
DED DEPRM RP STP TE				
Roscoe Phipps	166			NC
DED DEPRM RP STP TE				
American Legion Dept. of MD	167			Comment
DED DEPRM RP STP TE				
Cecelia Escalante	168			NC
DED DEPRM RP STP TE				
Michael J. and Peggy L. Navarre	172			NC
DED DEPRM RP STP TE				
Pulte Home Corporation	173			NC
DED DEPRM RP STP TE				
Clinton and Erika Routh	174			NC
DED DEPRM RP STP TE				
Goldenwood Associates	175			NC
DED DEPRM RP STP TE				
Salvo Road Limited Partnership	177			Comment
DED DEPRM RP STP TE				
Ronald R. and Janet Lee Gaspari	178			NC
DED DEPRM RP STP TE				
COUNT 11				
Richard M. Diotte	155		11-9-92	
DED DEPRM RP				

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 2 164 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it
does not access a State roadway and is not affected by any State Highway Administration
projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David N. Ramsey 11/19/92
John Contestabile, Chief
Engineering Access Permits
Division

Rec'd 11/30/92

My telephone number is _____
Teleprinter for impaired hearing or speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 24, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 23, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Gregg and Joyce Kroeger, Item No. 164
Michael and Peggy Navarre, Item No. 172
Clinton and Erika Routh, Item No. 174
Ronald and Janet Gaspari, Item No. 178

If there should be any further questions or if this office can provide additional
information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*
Division Chief: *Ervin McDaniel*

EMcd/FM:rdn

164.ZAC/ZAC1

DPW/Traffic Engineering Development Review Committee Response Form				11/30/92
Authorized signature <i>Arnold Jablon</i>				Date
Project Name	Waiver Number	Zoning Issue	Meeting Date	
✓ Gregg and Joyce Kroeger	164	NIC	11-23-92	
DED DEPRM RP STP TE				
Baltimore Bar-B Que Management Inc.	165			
DED DEPRM RP STP TE				
Roscoe Phipps	166			
DED DEPRM RP STP TE				
American Legion Dept. of MD	167			
DED DEPRM RP STP TE				
Cecelia Escalante	168			
DED DEPRM RP STP TE				
Michael J. and Peggy L. Navarre	172			
DED DEPRM RP STP TE				
Pulte Home Corporation	173			
DED DEPRM RP STP TE				
Clinton and Erika Routh	174			
DED DEPRM RP STP TE				
Goldenwood Associates	175			
DED DEPRM RP STP TE				
Salvo Road Limited Partnership	177			
DED DEPRM RP STP TE				
Ronald R. and Janet Lee Gaspari	178			
DED DEPRM RP STP TE				
COUNT 11				
Stonegate at Patapsco (Azeal Property)			6-1-92	
90476				
ZON DED				

Department of Environmental Protection & Resource Management Development Review Committee Response Form				11/30/92
Authorized signature <i>John Henry Baker</i>				Date
Project Name	Waiver Number	Zoning Issue	Meeting Date	
✓ John Henry and Elaine Eleanor Baker	127		10-19-92	
DEPRM RP				
Lewis Brooks Ramsey	128			
DEPRM RP				
COUNT 2				
✓ Perry Hall Square Partnership	131		10-26-92	
DEPRM RP				
Colleen M. Kelly and Gary L. Pitts	132			
DEPRM RP				
COUNT 2				
Ralph L. and Elsie M. Hackler	160		11-16-92	
DEPRM RP STP				
COUNT 1				
Nick J. and Koula I. Proakis	143		11-2-92	
DEPRM RP				
Dorothy and Randall Pettie	147			
DEPRM RP				
COUNT 2				
✓ Gregg and Joyce Kroeger			11-23-92	
DED DEPRM RP STP TE				
Baltimore Bar-B Que Management Inc.	165			
DED DEPRM RP STP TE				

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GREGG LAWRENCE KROEGER AND JOYCE MARIE KROEGER
Location: #9514 STONEOAK ROAD
Item No.: *164 (RT) Zoning Agenda: NOVEMBER 23, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *CSO R. J. K.* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/KEK

November 23, 1992

(410) 887-3353

Gregg and Joyce Kroeger
9514 Stoneoak Road
Baltimore, Maryland 21236

Re: CASE NUMBER: 93-158-4
LOCATION: W/S Stoneoak Road, 1000' N of Klemm Road
9514 Stoneoak Road
11th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
refresher regarding the administrative process.

1) Your property will be posted on or before November 29, 1992. The closing date (December 14, 1992)
is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the
file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This
Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set
in for a public hearing. You will receive written notification as to whether or not your petition has been
granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County
newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl Jablon
Arnold Jablon
Director

Eastern Vocational-Technical High School

1100 Mace Avenue, Baltimore, MD 21221

January 31, 1989

93-158-A

Gregg Lawrence Kroeger
10 Clearlake Court
Baltimore, MD 21234

Dear Mr. Kroeger:

We would like to thank you for the donation of a 1976 custom car called a "Bradley GT" which is in excellent condition. This title was signed over to us on December 20, 1988. Also, several service manuals were also included.

We appreciate this donation and invite you to visit our school at your convenience.

Sincerely,

Raymond G. Plumer
Raymond G. Plumer
Principal

Wayne B. Hopkins
Wayne Hopkins
Auto Shop Department Chairman

lr

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9514 Stone Oak Rd. See pages 3 & 4 of the CHECKLIST for additional required information

Subdivision name: On Klumpp
plat book: 12 page: 12 of 12 sheets: 2

OWNER: Gregg & Joyce Kroeger

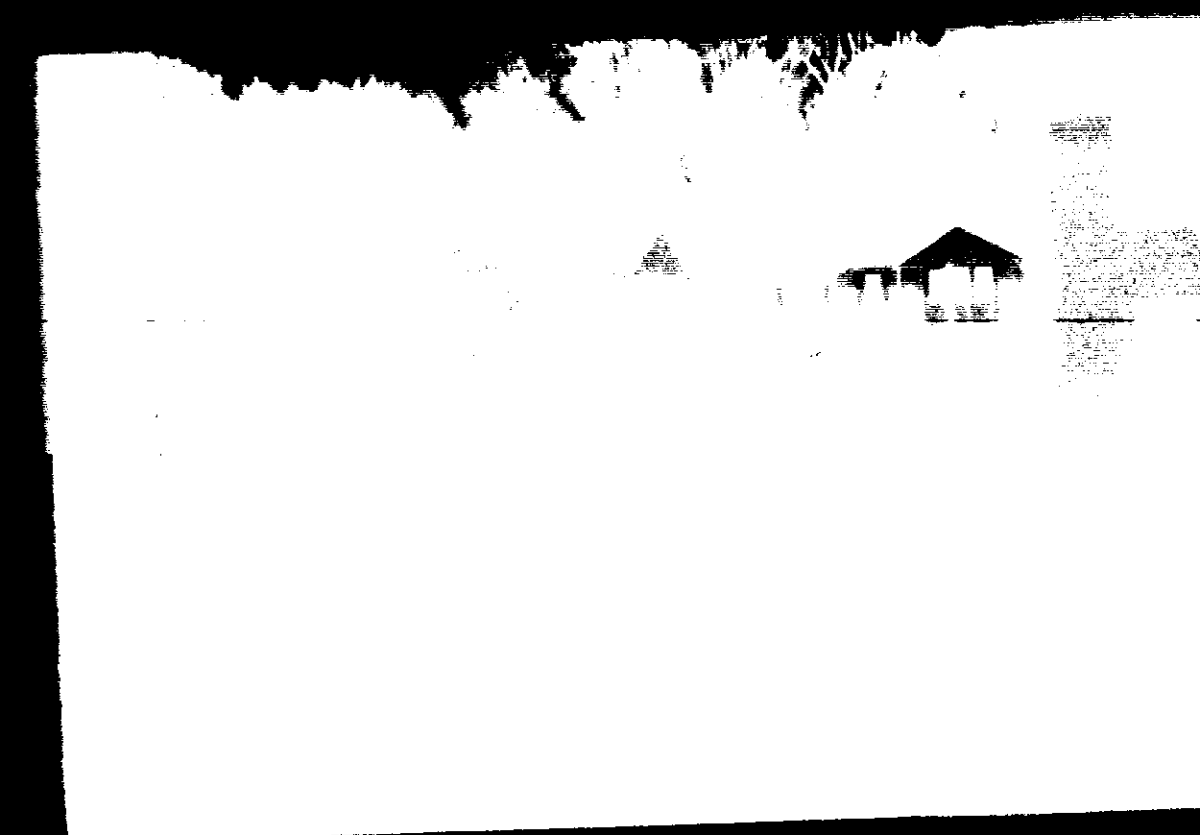
LOCATION INFORMATION

Councilman's District: 5
Election District: 11
T-288' scale map: NE 11-6
Zoning: D.R. 5.5
Lot size: 0.17 acreage 7,470 square feet

Zoning Office USE ONLY!
reviewed by: _____ ITEM #: _____ CASE#: _____
93-158-A

Map Details:
Gregg Kroeger
Bruce Chiu
Sierra Homes
EXISTING DWELLING NO. 9516 FRONT
EXISTING DWELLING NO. 9512 FRONT LOT # 17
EXISTING PATIO
EXISTING 2-STORY FRAME DWELLING NO. 9514
PROPOSED GARAGE
EXISTING CARPAD
PET. EX. 1
STONEOAK ROAD
North arrow
date: 10-28-92
prepared by: G. Kroeger
Scale of Drawing: 1" = 20'

93-158-A



Rear



Rear

93-158-A



Front



Front



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	NE
DATE OF PHOTOGRAPHY		II-G
JANUARY 1986		